

**IN THE FEDERAL DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
CIVIL DIVISION**

---

**MARY JONES and;  
JOSEPH ALFORD**

**Plaintiffs,**

**THOMAS FLATHMANN, et.al.**

**Defendants.**

)  
)  
)  
) **Case No.: 1:06-cv-585**  
)  
) **JURY DEMAND**  
)  
)

**MOTION FOR LEAVE TO AMEND PLEADINGS and ADD PARTIES  
and EXTENSION OF TIME TO ADD ADDITIONAL PARTIES**

**COME NOW**, Plaintiffs, by and through the undersigned counsel of record and makes this their Motion for Leave to Amend Pleadings and Add Parties pursuant to the Scheduling Order of this Honorable Court, and as grounds state as follows;

1. Plaintiffs filed on February 16<sup>th</sup>, 2008 via CM/ECF an Amended Complaint to include the addition of newly discovered party Defendants.
2. Certified mail service was simultaneously forwarded to the Clerk of the Court for service of same.
3. Additional Defendants, whose names are otherwise unknown to Plaintiffs at this time, remain absent from this lawsuit.
4. On February 16<sup>th</sup>, 2008 the undersigned counsel received via email a letter from Defense Counsel's office a letter informing that the discovery sent by Plaintiffs has not been answered and that additional time was needed due to Defense Counsel's previous trial schedule.
5. The discovery sent was of utmost importance in naming the additional party

Defendants in a timely manner pursuant to the Scheduling Order and parties telephone conference with Your Honor.

6. Plaintiffs are highly prejudiced by the delay in receiving timely responses to their discovery requests.

**WHEREFORE THESE PREMISES CONSIDERED**, Plaintiffs respectfully pray Your Honor to grant the instant Motion and allow Plaintiffs Amended Complaint and additional party Defendants, and, further, grant additional time for Plaintiffs to add party defendants within a reasonable time upon receipt of responses to Plaintiffs' discovery requests.

**RESPECTFULLY SUBMITTED** this the 19th day of May, 2008.

s/ Michael Guy Holton  
Michael Guy Holton  
ASB-9926-72H  
5748 Carmichael Parkway Suite D  
Montgomery, AL 36117  
(334)514-6003 (direct)

---

**CERTIFICATE OF SERVICE**

I do hereby certify that I have served a copy of the foregoing this the 10th day of April, 2008 by electronically filing same with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the below listed counsel:

Gary C. Sherrer, Esq.  
Sherrer, Jones, & Terry P.C.  
335 West Main Street  
Dothan, Alabama 36301

s/ Michael Guy Holton  
OF COUNSEL